

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

GERALD ADELMAN,

Plaintiff,

-V-

ING USA ANNUITY AND LIFE
INSURANCE COMPANY,

Defendant.

Case No.: 08 C 195

Honorable Milton I. Shadur

Magistrate Judge Morton Denlow

**DEFENDANT, ING USA ANNUITY AND LIFE INSURANCE COMPANY'S
MOTION TO DISMISS PLAINTIFF'S VERIFIED COMPLAINT FOR DECLARATORY
JUDGMENT, INJUNCTION, MONETARY DAMAGES AND OTHER RELIEF**

Pursuant to Rule 12(b)(6), Defendant ING USA ANNUITY AND LIFE INSURANCE COMPANY, by its attorneys, hereby moves this Honorable Court to dismiss Plaintiff's Verified Complaint for Declaratory Judgment, Injunction, Monetary Damages and Other Relief for the reasons set forth in the supporting Memorandum of Law submitted herewith and incorporated herein by reference.

Dated: February 15, 2008

Respectfully submitted,

**DEFENDANT, ING USA ANNUITY
AND LIFE INSURANCE COMPANY**

By: /s/ Thomas B. Keegan
One of Defendant's Attorneys

Thomas B. Keegan, Esq.
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CERTIFICATE OF SERVICE

I, Thomas B. Keegan, an attorney, certify that I caused a true and accurate copy of the foregoing, **DEFENDANT, ING USA ANNUITY AND LIFE INSURANCE COMPANY'S MOTION TO DISMISS PLAINTIFF'S VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTION, MONETARY DAMAGES AND OTHER RELIEF**, to be filed electronically. Notice of this filing was sent to all counsel who are currently on the Court's Electronic Mail Notice List by operation of the Court's Electronic Filing System (with a copy to be mailed to any individuals who do not receive electronic notice from the Clerk) this 15th day of February, 2008.

/s/ Thomas B. Keegan